

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ALPINE GLASS, INC.,

Case No. 06-CV-1148 (PJS/RLE)

Plaintiff/Counterclaim  
Defendant,

v.

ORDER

ILLINOIS FARMERS INSURANCE  
COMPANY and MID-CENTURY  
INSURANCE COMPANY,

Defendants/Counterclaimants.

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Charles J. Lloyd, LIVGARD & RABUSE, PLLP, for plaintiff/counterclaim defendant.

Steven R. Kluz, STOEL RIVES LLP; Diane B. Bratvold, BRIGGS & MORGAN, PA,  
for defendants/counterclaimants.

The Court stayed all proceedings in this case in an order dated January 9, 2008 [Docket No. 126]. At the time, an appeal was pending in the Eighth Circuit, and the Court found that there was no reason to proceed with this case until the appeal was decided. The Court therefore directed the parties to contact the Court after the mandate issued in the appeal to request that the stay be lifted and to schedule a hearing on a motion to vacate the arbitration award filed by Illinois Farmers Insurance Company.

The Eighth Circuit dismissed the appeal for want of jurisdiction in an order dated July 9, 2008. *Alpine Glass, Inc. v. Ill. Farmers Ins. Co.*, \_\_ F.3d \_\_, No. 07-2021, 2008 WL 2668794, 2008 U.S. App. LEXIS 14335 (8th Cir. July 9, 2008). The parties then met with the Court in chambers on July 23, 2008 for an informal discussion of the case's status.

The parties have advised the Court that four consolidated cases raising state-law issues about the assignment of insurance proceeds to auto-glass repair shops are now pending before

the Minnesota Supreme Court. That court's decision will therefore have a substantial impact on this case, which involves policy language almost identical to the language at issue in some of the pending cases. The Court therefore finds, and the parties agree, that this case should remain stayed until the Minnesota Supreme Court rules in the pending auto-glass cases.

Accordingly, based on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. This case remains STAYED pending the Minnesota Supreme Court's decision in the pending auto-glass cases.
2. After the Minnesota Supreme Court issues its decision in the pending auto-glass cases, the parties are directed to contact the Court to request that the stay be lifted and to establish a briefing schedule for whatever issues remain to be decided in this case.

Dated: July 23, 2008

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge